

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

FILED

11/24/2008

Michael P. Roca, Judge Pro Tem COURT REPORTER: (Digitally Recorded) JV2008065 In re the matter of: ROMERO, CHRISTIAN RYAN A Person under 18 years of age	SUE HALL, CLERK OF THE COURT By: Laurel Waite, Deputy Clerk Hearing: November 19, 2008 Start: 2:28 PM End: 4:31 PM Bradley W. Carlyon, Special Prosecutor [em] Navajo County Attorney's Office Wood Law Office [em] Apache County Juvenile Court Services [em] Criss Candelaria, Apache County Attorney [em] Apache County Attorney's Office Betty Smith, Court Administrator [hc] Apache County Superior Court Child Protective Services [em] Albert B Lassen [em] David Jeremy Bodney [hc] Steptoe & Johnson LLP 201 W Washington St, Ste 1600 Phoenix, AZ 85004-2382 Gary Sheets, Assistant Attorney General [em] State Attorney General's Office Michael R Ellsworth [hc] Riggs & Ellsworth, PC 240 N White Mountain Rd, Suite A Show Low, AZ 85901
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MINUTE ENTRY: Pre-Adjudication Hearing

PRESENT IN JUVENILE COURT: CHRISTIAN RYAN ROMERO, Juvenile; Parent/Guardian of the Juvenile; Ronald Wood and Benjamin Brewer for Wood Law Office, Attorney for the Juvenile; Criss Candelaria, Apache County Attorney and Bradley W. Carlyon, Deputy County Attorney; Albert Lassen, Guardian Ad Litem; Michael R. Ellsworth, Attorney for the Mother; and Juvenile Probation Department.

PRESENT TELEPHONICALLY: David J. Bodney and Chris Moeser, Limited Interveners.

LET THE RECORD SHOW this is the date and time set for a PreAdjudication Hearing on the Petition filed on November 7, 2008 in the above-captioned matter.

The first issue before the Court is the need for a court reporter. A review of A.R.S §8-233 refers to Title 12. The provisions in Title 12 involve the appointment of a court reporter. The Digital Recording was designated as the Official Record and transcription of the Digital Record as the Official Record in this Court long ago. Accordingly there will be no live court reporter.

The motion for a Jury Trial is denied.

Court and Counsel discuss the timeliness of the State's disclosures and needed information. The Court directs Mr. Carlyon to provide the lab information as quickly as possible.

The Court inquires as to when the Defense will issue the name of their psychiatrist. The Defense informs the Court they will get it out tomorrow.

Court and Counsel discuss Defense disclosures time limits. The Court will extend time limit to December 4, 2008.

The Court states the issue of competency needs to be resolved but will not be addressed at this time. The Court cautions Counsel of the time restraints in this matter and is relying on them to keep things moving.

The Court and Counsel discuss the State's request for physical evidence. Defense objects to the drawing of blood and urine from the juvenile.

Mr. Carlyon requests a reasonable physical or medical examination of the juvenile. The Defense objects to the pediatrician Mr. Carlyon has chosen. The Court asks Defense Counsel to stipulate to the person performing the examination and the extent of the examination. The Defense asks that the persons performing the examination not inquire or interrogate the Juvenile. Mr. Carlyon states he will give Wood Law Office the date and time of the examination so they may attend.

LET THE RECORD SHOW the Court will be endorsing the Order for physical evidence as far as items one (1) and two (2) as amended, permitting the taking of hair and saliva.

The Court and Counsel discuss who needs and has the medical records and educational records. The Court admonishes Wood Law Office to get these records as soon as possible.

The Court hears discussion from all Counsel concerning the Order of November 10, 2008 with regard to limiting the publishing of information on this case.

IT IS HEREBY ORDERED that transcripts be substituted for DVDs, audio CDs and any other graphically representative media, of any interviews.

IT IS FURTHER ORDERED that the originals interviews on DVD or audio CD be disclosed and retained in the prosecution file.

The Court admonishes the agencies that are directly involved from releasing anything they are not willing to put in writing as the official finding and report of their respective agencies. If the juvenile's recognizable image appears again on any media channel, there is a realistic possibility that someone will go to jail.

The Court asks Mr. Carlyon to draft an order regarding the transcripts to be substituted for audio interviews that are to be released to the public.

Mr. Carlyon asks the Court's permission to set up a web site. The Court grants permission subject to all the restrictions already in place. Mr. Carlyon asks the Court to make a link from the media site to this new site. The Court will make that recommendation to the Clerk of the Court.

3:36 PM Court stands in Recess.

3:55 PM Court reconvenes. Same parties present.

The Court hears more concerning the public record issue.

The Defense is willing to allow the State, 15 days for the filing of a transfer to adult court. The Defense also requests the assistance of the State to set up interviews with witnesses. The Defense would also like to have copies of the outstanding search warrants. Mr. Carlyon will post the search warrants tomorrow.

The Defense is requesting that the juvenile be given a furlough with his Mother for forty-eight hours at Thanksgiving. Mr. Carlyon is concerned with the protection of the community and the juvenile and would like more information.

The Court asks Mr. Lassen for his view on the furlough. Mr. Lassen voices his concern for the juvenile's state of mind and thinks a furlough is needed.

The Court inquires of the Mother if there are children in the home, if other adults and how many. The Court instructs the Mother if the juvenile is released, she assure the Court that there will be no firearms, no large knives, no video games and no cable television.

Mr. Carlyon states the victim's families oppose this furlough.

The Court informs the Mother if the juvenile is not returned into the custody of the State at the appointed time there will be a warrant issued for the arrest of the juvenile and the Mother.

The Court advises Mr. Brewer that the furlough will begin at 12:00 PM on Wednesday, November 26, 2008 and end at 12:00 PM Friday, November 28, 2008. Mr. Brewer is to make arrangement with Juvenile Detention and Mr. Lassen for the release of the juvenile to his Mother.

The Defense asks the Court to issue a Limited Order of Protection so those that anyone outside of Wood Law Office or the County Attorney's Office are not allowed to have any contact the juvenile, his Mother, anyone living there, or anyone transporting him while he is on furlough.

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The Court states the juvenile and his Mother are off limits, they is not to be contacted or harassed by anyone.

The Court and Counsel discuss the evaluation by the Probation Department.

The Defense Counsel requests to arrange for counseling for the juvenile.

LET THE RECORD SHOW the Counselor appointed by Wood Law Office is not to be interviewed by anyone.

IT IS FURTHER ORDERED setting the matter for a **Status Conference, Monday, December 8, 2008 at 9:00 AM.** Mr. Carlyon may appear telephonically. The Juvenile need not be present at this hearing.

The Court asks Mr. Carlyon to confer with Mr. Bodney concerning the Order for transcripts in place of DVDs and audio CDs. Mr. Carlyon will also provide a copy to Wood Law Office.

Hearing concludes.

ADDENDUM

Addendum to the Minute Entry of November 19, 2008.

While on furlough, the juvenile and his Mother are not to leave the corporate limits of the City of St. Johns.